



Sen. Michael W. Frerichs

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09600SB1443sam003

LRB096 08942 ASK 24387 a

1 AMENDMENT TO SENATE BILL 1443

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1443, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Hospital Licensing Act is amended by  
6 changing Section 3 as follows:

7 (210 ILCS 85/3) (from Ch. 111 1/2, par. 144)

8 Sec. 3. As used in this Act:

9 (A) "Hospital" means any institution, place, building, or  
10 agency, public or private, whether organized for profit or not,  
11 devoted primarily to the maintenance and operation of  
12 facilities for the diagnosis and treatment or care of 2 or more  
13 unrelated persons admitted for overnight stay or longer in  
14 order to obtain medical, including obstetric, psychiatric and  
15 nursing, care of illness, disease, injury, infirmity, or  
16 deformity.

1           The term "hospital", without regard to length of stay,  
2 shall also include:

3           (a) any facility which is devoted primarily to  
4 providing psychiatric and related services and programs  
5 for the diagnosis and treatment or care of 2 or more  
6 unrelated persons suffering from emotional or nervous  
7 diseases;

8           (b) all places where pregnant females are received,  
9 cared for, or treated during delivery irrespective of the  
10 number of patients received.

11          The term "hospital" includes general and specialized  
12 hospitals, tuberculosis sanitarium, mental or psychiatric  
13 hospitals and sanitarium, and includes maternity homes,  
14 lying-in homes, and homes for unwed mothers in which care is  
15 given during delivery.

16          The term "hospital" does not include:

17           (1) any person or institution required to be licensed  
18 pursuant to the Nursing Home Care Act, as amended;

19           (2) hospitalization or care facilities maintained by  
20 the State or any department or agency thereof, where such  
21 department or agency has authority under law to establish  
22 and enforce standards for the hospitalization or care  
23 facilities under its management and control;

24           (3) hospitalization or care facilities maintained by  
25 the federal government or agencies thereof;

26           (4) hospitalization or care facilities maintained by

1 any university or college established under the laws of  
2 this State and supported principally by public funds raised  
3 by taxation;

4 (5) any person or facility required to be licensed  
5 pursuant to the Alcoholism and Other Drug Abuse and  
6 Dependency Act;

7 (6) any facility operated solely by and for persons who  
8 rely exclusively upon treatment by spiritual means through  
9 prayer, in accordance with the creed or tenets of any  
10 well-recognized church or religious denomination; ~~or~~

11 (7) an ~~An~~ Alzheimer's disease management center  
12 alternative health care model licensed under the  
13 Alternative Health Care Delivery Act; or ~~or~~

14 (8) any veterinary hospital or clinic operated by a  
15 veterinarian or veterinarians licensed under the  
16 Veterinary Medicine and Surgery Practice Act of 2004 or  
17 maintained by a state-supported or publicly funded  
18 university or college.

19 (B) "Person" means the State, and any political subdivision  
20 or municipal corporation, individual, firm, partnership,  
21 corporation, company, association, or joint stock association,  
22 or the legal successor thereof.

23 (C) "Department" means the Department of Public Health of  
24 the State of Illinois.

25 (D) "Director" means the Director of Public Health of the  
26 State of Illinois.

1 (E) "Perinatal" means the period of time between the  
2 conception of an infant and the end of the first month after  
3 birth.

4 (F) "Federally designated organ procurement agency" means  
5 the organ procurement agency designated by the Secretary of the  
6 U.S. Department of Health and Human Services for the service  
7 area in which a hospital is located; except that in the case of  
8 a hospital located in a county adjacent to Wisconsin which  
9 currently contracts with an organ procurement agency located in  
10 Wisconsin that is not the organ procurement agency designated  
11 by the U.S. Secretary of Health and Human Services for the  
12 service area in which the hospital is located, if the hospital  
13 applies for a waiver pursuant to 42 USC 1320b-8(a), it may  
14 designate an organ procurement agency located in Wisconsin to  
15 be thereafter deemed its federally designated organ  
16 procurement agency for the purposes of this Act.

17 (G) "Tissue bank" means any facility or program operating  
18 in Illinois that is certified by the American Association of  
19 Tissue Banks or the Eye Bank Association of America and is  
20 involved in procuring, furnishing, donating, or distributing  
21 corneas, bones, or other human tissue for the purpose of  
22 injecting, transfusing, or transplanting any of them into the  
23 human body. "Tissue bank" does not include a licensed blood  
24 bank. For the purposes of this Act, "tissue" does not include  
25 organs.

26 (Source: P.A. 91-838, eff. 6-16-00.)

1           Section 10. The Pharmacy Practice Act is amended by  
2 changing Section 15 as follows:

3           (225 ILCS 85/15) (from Ch. 111, par. 4135)

4           (Section scheduled to be repealed on January 1, 2018)

5           Sec. 15. Pharmacy requirements. It shall be unlawful for  
6 the owner of any pharmacy, as defined in this Act, to operate  
7 or conduct the same, or to allow the same to be operated or  
8 conducted, unless:

9           (a) It has a licensed pharmacist, authorized to practice  
10 pharmacy in this State under the provisions of this Act, on  
11 duty whenever the practice of pharmacy is conducted;

12           (b) Security provisions for all drugs and devices, as  
13 determined by rule of the Department, are provided during the  
14 absence from the licensed pharmacy of all licensed pharmacists.  
15 Maintenance of security provisions is the responsibility of the  
16 licensed pharmacist in charge; and

17           (c) The pharmacy is licensed under this Act to conduct the  
18 practice of pharmacy in any and all forms from the physical  
19 address of the pharmacy's primary inventory where U.S. mail is  
20 delivered. If a facility, company, or organization operates  
21 multiple pharmacies from multiple physical addresses, a  
22 separate pharmacy license is required for each different  
23 physical address .

24           (d) The Department may allow a pharmacy that is not located

1 at the same location as its home pharmacy and at which pharmacy  
2 services are provided during an emergency situation, as defined  
3 by rule, to be operated as an emergency remote pharmacy. An  
4 emergency remote pharmacy operating under this subsection (d)  
5 shall operate under the license of the home pharmacy.

6 The Secretary ~~Director~~ may waive the requirement for a  
7 pharmacist to be on duty at all times for State facilities not  
8 treating human ailments. This waiver of the requirement remains  
9 in effect until it is rescinded by the Secretary and the  
10 Department provides written notice of the rescission to the  
11 State facility.

12 It shall be unlawful for any person, who is not a licensed  
13 pharmacy or health care facility, to purport to be such or to  
14 use in name, title, or sign designating, or in connection with  
15 that place of business, any of the words: "pharmacy",  
16 "pharmacist", "pharmacy department", "apothecary", "druggist",  
17 "drug", "drugs", "medicines", "medicine store", "drug  
18 sundries", "prescriptions filled", or any list of words  
19 indicating that drugs are compounded or sold to the lay public,  
20 or prescriptions are dispensed therein. Each day during which,  
21 or a part which, such representation is made or appears or such  
22 a sign is allowed to remain upon or in such a place of business  
23 shall constitute a separate offense under this Act.

24 The holder of any license or certificate of registration  
25 shall conspicuously display it in the pharmacy in which he is  
26 engaged in the practice of pharmacy. The pharmacist in charge

1 shall conspicuously display his name in such pharmacy. The  
2 pharmacy license shall also be conspicuously displayed.

3 (Source: P.A. 94-84, eff. 6-28-05; 95-689, eff. 10-29-07.)

4 Section 15. The Illinois Controlled Substances Act is  
5 amended by changing Section 302 as follows:

6 (720 ILCS 570/302) (from Ch. 56 1/2, par. 1302)

7 Sec. 302. (a) Every person who manufactures, distributes,  
8 or dispenses any controlled substances, or engages in chemical  
9 analysis, and instructional activities which utilize  
10 controlled substances, or who purchases, stores, or  
11 administers euthanasia drugs, within this State or who proposes  
12 to engage in the manufacture, distribution, or dispensing of  
13 any controlled substance, or to engage in chemical analysis,  
14 and instructional activities which utilize controlled  
15 substances, or to engage in purchasing, storing, or  
16 administering euthanasia drugs, within this State, must obtain  
17 a registration issued by the Department of Professional  
18 Regulation in accordance with its rules. The rules shall  
19 include, but not be limited to, setting the expiration date and  
20 renewal period for each registration under this Act. The  
21 Department, ~~and~~ any facility or service licensed by the  
22 Department, and any veterinary hospital or clinic operated by a  
23 veterinarian or veterinarians licensed under the Veterinary  
24 Medicine and Surgery Practice Act of 2004 or maintained by a

1 state-supported or publicly funded university or college shall  
2 be exempt from the regulation requirements of this Section.

3 (b) Persons registered by the Department of Professional  
4 Regulation under this Act to manufacture, distribute, or  
5 dispense controlled substances, or purchase, store, or  
6 administer euthanasia drugs, may possess, manufacture,  
7 distribute, or dispense those substances, or purchase, store,  
8 or administer euthanasia drugs, to the extent authorized by  
9 their registration and in conformity with the other provisions  
10 of this Article.

11 (c) The following persons need not register and may  
12 lawfully possess controlled substances under this Act:

13 (1) an agent or employee of any registered  
14 manufacturer, distributor, or dispenser of any controlled  
15 substance if he is acting in the usual course of his  
16 employer's lawful business or employment;

17 (2) a common or contract carrier or warehouseman, or an  
18 agent or employee thereof, whose possession of any  
19 controlled substance is in the usual lawful course of such  
20 business or employment;

21 (3) an ultimate user or a person in possession of any  
22 controlled substance pursuant to a lawful prescription of a  
23 practitioner or in lawful possession of a Schedule V  
24 substance;

25 (4) officers and employees of this State or of the  
26 United States while acting in the lawful course of their

1 official duties which requires possession of controlled  
2 substances;

3 (5) a registered pharmacist who is employed in, or the  
4 owner of, a pharmacy licensed under this Act and the  
5 Federal Controlled Substances Act, at the licensed  
6 location, or if he is acting in the usual course of his  
7 lawful profession, business, or employment.

8 (d) A separate registration is required at each place of  
9 business or professional practice where the applicant  
10 manufactures, distributes, or dispenses controlled substances,  
11 or purchases, stores, or administers euthanasia drugs. Persons  
12 are required to obtain a separate registration for each place  
13 of business or professional practice where controlled  
14 substances are located or stored. A separate registration is  
15 not required for every location at which a controlled substance  
16 may be prescribed.

17 (e) The Department of Professional Regulation or the  
18 Department of State Police may inspect the controlled premises,  
19 as defined in Section 502 of this Act, of a registrant or  
20 applicant for registration in accordance with this Act and the  
21 rules promulgated hereunder and with regard to persons licensed  
22 by the Department, in accordance with subsection (bb) of  
23 Section 30-5 of the Alcoholism and Other Drug Abuse and  
24 Dependency Act and the rules and regulations promulgated  
25 thereunder.

26 (Source: P.A. 93-626, eff. 12-23-03.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".